



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/694,758	10/23/2000	Shukti Chakravarti	CWV-001.01	7408
41552	7590	06/14/2006	EXAMINER	
MCDERMOTT, WILL & EMERY 4370 LA JOLLA VILLAGE DRIVE, SUITE 700 SAN DIEGO, CA 92122			LIU, SUE XU	
		ART UNIT	PAPER NUMBER	
			1639	

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE  
U.S. Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE 10/23/0000	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION Shukla Chakravarti	ATTORNEY DOCKET NO. CWV-001.01
09/694,758		EXAMINER Sue Liu	
		ART UNIT 1639	PAPER 20060601

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

**Non-Responsive Election (Bonafide)**

The reply dated 3/17/2006 is not fully responsive to the prior office action because of the following omission(s) or matter(s):

The amendment filed on 3/17/06 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because applicants have canceled the elected species and presented only claims drawn to non-elected species. As a response to the Restriction Requirement (mailed on 2/12/02), applicants have elected a single gene (i.e. MMP-12) as the elected species in the reply to the Restriction requirement filed on 5/16/2002. However, Applicants have cancelled the elected species (MMP-12 gene), and presented 4 different and distinct species (i.e. GRO3, HNL, Elafin, and COL6A3), which are not the elected species and/or invention.

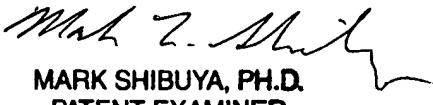
Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sue Liu whose telephone number is 571-272-5539. The examiner can normally be reached on M-F 9am-3pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Paras can be reached on 571-272-4517. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sue Liu

  
MARK SHIBUYA, PH.D.  
PATENT EXAMINER